RAJYA SABHA

Monday, the 7th May, 1990|17th Vaisakha, 1912 (Saka)

The House met eleven of the clock, **Mr. Chairman** in the Chair.

ORAL ANSWERS TO QUESTIONS

[*81. The questioner (Shri Ghufran Azam) was absent. For answer vide (b) S. 35-36 infra].

Demolition of Private Houses, etc. at Ghugush Colliery Site in Chandrapur District, Maharashtra

*82. SHRI NARESH C. PUGLIA: Will the Minister of ENERGY be pleased to state:

(a) whether it is a fact that the ... houses, temples, churches, etc., constructed at the Ghugush Colliery site in the Chandrapur District of Maharashtra, have been destroyed without paying any compensation therefor;

(b) if so, what are the norms in this regard;

(c) whether it is a fact that the ex-Minister in charge of the Ministry had issued orders to the effect that financial assistance may be provided for construction of dwelling houses as per the valuation fixed by the C.P.W.D.;

(d) what is the number of families rehabilitated so far and what is the amount of compensation paid in each case; and

(e) what is the number of families which have not been paid any compensation so far?

THE MINISTER OF ENERGY WITH ADDITIONAL CHARGE OF THE MINISTRY OF CIVIL AVIATION (SHRI ARIF MOHD. KHAN): (a) to (e) A statement is laid on the Table of the House.

Statement

(a) to (e) In order to continue coal mining operations of the Ghugus Opencast Project, about 1120 families comprising of 915 employees and 205 non-employees, who were residing on the company land, were required to be shifted. The question of rehabilitation of these families was discussed by the Management with the trade unions, local M.L.As.|M.Ps.|Sarpanch, District Collector, Superintendent of Police and representatives of the Basti; and keeping in view the humanitarian considerations, a settlement was reached.

As per the above settlement, out of 915 employees, about 787 employees have been allotted out of turn company accommodation. Plots of land have have allotted to another 24 employees as per their request. The remaining 104 employees would be provided company quarters which are under construction on plots of land.

As regards non-employees, they, as per settlement, were to be provided developed plots of land measuring 100 Sq. Yards per family, 5000 bricks and 20 wooden ballies or in lieu thereof, Rs. 2000|- and free transportation of their belongings to the new plots allotted to them. As a further incentive, the cash assistance of Rs 9000|- is being provided in addition to the building materials (5000 bricks and 20 bags of cement valued at Rs. 3000|-) from 14th February, 1990 as per agreement reached between the company and the affected parties. 106 non-employees have been rehabilitated upto 31st March, 1990. Plots of land have been alloted to all the remaining 99 non-employees. Plots of land have also been allotted to 12 new claimants who represented that they were either putting up in joint families or their names had been omitted from the initial census.

The above plots of land allotted to the affected families have the neces-

sary infrastructural facilities such as water supply, roads, street lights, drainage etc.

There is nothing on records to indicate that the ex-Energy Minister had given any orders to provide financial assistance to the evictees as per valuation by the CPWD.

There were two churches and one temple in the affected area. The Management has given alternative plots of land to one church and the temple at the site of rehabilitation. The temple has been shifted to the new site with formal religious rites and to the satisfaction of all concerned. The church is under construction at the new site. It is being shifted with the consent and to entire satisfaction of the priest and other concerned people. The second church has not yet been shifted.

श्री नरेश सी० पुगलिया : सभापति महोदय, माननीय मंत्री जी ने कहा कि स्टेटमेंट टेबिल पर रखा गया है। महोदय, मैं इस सदन के ध्यान में लाना चाहूंगा कि यह स्टेटमेंट टोटली असत्य है । सभापति महोदय, मैं इसी चन्द्रपुर जिले से आता हूं। वहां घुगुश नामक कोयला माइन है । वह काफ़ी पुरानी है और प्रायवेट मैनेजमेंट के समय वहां के मैनेजमेंट ने खान में काम करने वाले लोगों को मकान बनाने के लिए प्लाट दिए थे । पिछले 30-40 सालों से वहां 90 परसेंट वर्कर्स अपने मकान बनाकर रहते हैं, लेकिन पिछले साल कोल माइंस अथारिटी ने बगैर नोटिस दिए 1120 में से 400 मकान बुल्डोजर लगाकर रातों-रात तोड़ दिए और उन्हें किसी भी प्रकार का कम्पनसेशन नहीं दिया । जब यह बात सरकार के ध्यान में लायी गयी, जब पिछले मंत्री महोदय वसंत साठे जी के ध्यान में लायी गयी तो उन्होंने कोल इंडिया के चेयरमैन, सेकेटरी, जाइंट सेकेटरी और हमें बुलाकर मीटिंग ली और उनको आदेश दिया कि इनको सी. पी. डब्ल्यू. डी. के हिसाब से वेलुएशन करके कम्पेनसेशन दिया जाए या ग्राम पंचायत का रिकार्ड देखकर कम्पनसेशन दिया जाए। लेकिन उत्तर में मंत्री महोदय ने कहा कि इस प्रकार की पूर्व मंत्री जी ने मीटिंग ली है, इसका उनके पास रिकार्ड नहीं है। इस प्रकर कोल माइंस अथारिटी द्वारा बुल्डोजर लगाकर मकान गिराए जाने से गरीब मजदूरों पर अन्याय हुआ है । इसलिए मैं मंत्री महोदय से जानना चाहूंगा कि पिछले मंत्रालय ने जो निर्णय लिया था उसके अनुसार सी. पी. डब्ल्यू. डी. के, वेलुएशन के मुताबिक उनको कम्पनसेशन दिया जाएगा या नहीं ?

श्री आरिफ मोहम्मद खान: श्रीमन्, मैंने अपने उत्तर में कहा है कि पूर्व ऊर्जा मंत्री जी द्वारा दिया गया ऐसा कोई आदेश मंत्रालय की किसी फ़ाइल पर नहीं है।

श्री अटल बिहारी वाजपेयी: ऐसा तो नहीं कि फ़ाइल उनके साथ चली गयी हो ?

श्री नरेश सी० पुगलिया: मंत्री जी, यह सीरियस मैटर है, आप इस प्रकार क्वेश्चन का मजाक नहीं बनाइए ।

श्री आरिफ मोहम्मद खान: श्रीमन्, मैं नहीं समझ पा रहा हूं कि मैं कैसे मजाक बना रहा हूं। माननीय अटल जी ने यह बात कही है कि वह फ़ाइल अपने साथ तो नहीं ले गए : मैंने नहीं कहा है ।

श्री अटल बिहारी वाजपेयी : सभापति जी मैंने क्यों कहा,... (**व्यवधान**) ...

श्री सभापति: सवाल चलने दीजिए ।

श्री आरिफ मोहम्मद खान: कहीं मजाक बनाने का कोई सवाल पैदा नहीं होता : श्रीमन्, मैंने पहले ही अपने उत्तर में कह दिया और अगर आपका निर्देश होगा तो विधि परामर्शदाता की जो राय है, वह भी मैं आपको पढ़कर सुना दूंगा : यह जमीन कम्पनी की जमीन है, उन लोगों की जमीन नहीं थी जो वहां पर रह रहे थे : ... (**व्यवधान**) ...

श्री नरेश सी० पुगलिया : 40 साल से वह वहां रहते आए हैं : आप गुनराह कर रहे है हाउस को .... **(व्यवधान)**

श्री सभापति : आप क्यों बोलते हैं ? क्वेश्चन आवर का कुछ तरीका है।

Mr. Desai, what is it? You have been in the panel. You yourself know the rules. Rules are very clear. The question standing is in the name of a Member; he is putting the supplementary and if you want to put a supplementary, you raise your hand; I will see.

Mr. Minister, Mr. Puglia says those people who were living there, the earlier private company had permitted them to live there and they were living there. That is what he wants to know: under these circumstances, whether the legal question is important or the practical question. That is what he wants to know.

श्री आरिफ मोहम्मद खान : मुझ से पूछा यह जा रहा है कि जहां तक... **(व्यवधान)**...

श्री सभापति : उन्हीं को बात को मैंने आपको बता दिया है :

श्री आरिफ मोहम्मद खान : माननीय अध्यक्ष को, जहां तक पुनर्वास का संबंध है, मैं अपने उत्तर में बताया है कि बावजूद इसके कि जिस जगह पर वे रह रहे थे, वह उन लोगों की जमीन नहीं थी, यह फैसला किया गया मानवीय आधार पर कि उनके लिए वैकल्पिक व्यवस्था की जाए और मेरे पास कुछ अधिकारियों का पूरा इवेल्यूएशन है, जो जिला प्रशासन की ओर से किया गया था. जिसमें उन्होंने यह भी बताया है कि किसकी कीमत कितनी लगाई है, लेकिन उनके लिए वैकल्पिक व्यवस्था कम्पनी के द्वारा की गई है : मैंने केवल जो सी० पी० डब्लयू० डी० द्वारा निर्धारित किया जाए इस बात के बारे में कहा है कि मंत्रालय की किसी फाइल पर ऐसा कोई आदेश मौजूद नहीं है और वैसे भी सामान्यत उसका इवल्यूएशन जिला प्रशासन द्वारा कराया जाता है, सी० पी० डब्लयू डी० द्वारा नहीं कराया जाता है

श्री नरेश सी० पुगलिया : सभापति महोदय, जिला प्रशासन, मैं मंत्री महोदय से जानना चाहूगा कि, सी० पी० डब्लयू० डी० के अथोराइज अधिकारियों से इवल्यूएशन कराता है या कलेक्टर खुद करते हैं। मंत्री महोदय से मेरा निवदन है कि पिछले एनर्जी मिनिस्टर ने जो निर्णय लिया था कि आज आपने बुलडोजर से जितने मकान गिरा दिए हैं, उसमें चर्च भी है और मंदिर भी है, उसका जिला प्रशासन के माफत, सी० पी० डब्लयू० डी० के माध्यम से क्योंकि मकान गिरने के बाद से उसकी जो जगह है, उसके आधे-आधे मकान टूटे हुए भी पड़े हैं, उसकी माइनिंग अभी तक हुई नहीं है, उसका सी० पी० डब्लयू० डी० से और ग्रामीण पंचायत से जो रिकार्ड मौजूद है, उसके अनुसार उसका इवल्यूएशन करके उसको कम्पन्सेशन दिया जाए : जहां तक रिहेलिबटशन का सवाल है. 1120 में से 900 आपकी कोल माइन्स के इम्पलाईज है उनकी जगदंस्ती बदली कराकर, उनको गवनमैंट के क्वार्टर अलाट करके.... **(व्यवधान)**...

श्री सभापति : आप सवाल पूछिए : यह आप तीन बार कह चुके।

श्री नरेश सी० पुगलिया: सभापति महोदय, उनको गवनमैंट के क्वार्टर में शिफ्ट करना यह कोई उनका कम्पन्सेशन नहीं हुआ। मेरी स्पेसिफिक मांग है आपसे, मैं आपसे संरक्षण चाहता हूं अध्यक्ष महोदय, कि जिनके प्राइवट मकान, प्राइवेट मैनेजमैंट के समय, 30-40 साल पहले उनको जो पट्टा दिया गया था, उसमें उनके मकान थे। पिछले मंत्रालय ने जो निर्णय लिया, वह फाइल पर है या नहीं, उसकी मुझे जानकारी नहीं लेकिन उसके हिसाब से ... **(व्यवधान)** ...

श्री सभापति : मिनिस्टर साहब कहते हैं, पट्टा नहीं था :

श्री नरेश सी० पुगलिया : एनर्जी मिनिस्टर उसको कम्पसेशन दे रहे हैं या नहीं ? और (बी) पाट है कि जिन अधिकारियों ने इतनी बर्बरता से बुलडोजर लगाकर मकान गिराए, उनकी सी. बी. आई. से मंत्री महोदय जांच कराएंगे क्या ?

श्री आरिफ मोहम्मद खान : सर, अगर कोई निर्णय लिए गए थे तो उन निर्णयों के कार्यान्वयन को रोके जाने की लम्बे समय तक तो कोई औचित्य नजर नहीं आता जहां तक इसमें.... **(व्यवधान)**

श्री सभापति : उनके पास पट्टे थे क्या ?

श्री आरिफ मोहम्मद खान : श्रीमान्, मैंने पहले ही कहा कि हमारे पास जो लीगल इडवाइज है, जो कागज मौजूद है, उसके अनुसार.... **(व्यवधान)**...

श्री सभापति : पट्टा नहीं था ।

श्री नरेश सी पुगलिया : सभापति महोदय, बगैर इजाजत के मकान कैसे बना सकते हैं ? 40 साल पहले मकान बनाए, बगैर इजाजत के कैसे बनाए ? आपने नेशनलाइजेशन 1973 में किया और 1900 से मकान हैं, तो उनको कम्पन्सेशन देना चाहिए । उनके अपने मकान हैं : उस समय प्राइवेट मेनेजमेंट के पास लीज थी, आज कोल माइन्स अथारिटी के पास चीज है ।

श्री आरिफ मोहम्मद खान : श्रीमान, हमें जो कानूनी परामर्श मिला है, वह यह है कि उस भूमि पर उनका कोई अधिकार नहीं था, इसलिए वे किसी तरह के कंपनसेशन के लिए अधिकारी नहीं हैं, लेकिन मानवीय आधार पर उनके रहने की वैकल्पिक व्यवस्था कंपनी अपना दायित्व समझती है और कंपनी ने वह काम किया है । श्रीमन्, अगर आप कहें तो मैं पूरा विस्तार से उसको पढ देता हूं ।

श्री सभापति : नहीं, उसको आप टेबल पर रख दीजिए ।

श्री आरिफ मोहम्मद खान : ठीक है, सर ।

MR. CHAIRMAN: Yes, Mr. Kulkarni

SHRI A. G. KULKARNI: Sir, perhaps my colleague was not able to explain it in a way in which he could have understood it. He said that it is not his contention that the former Energy Minister did not order on the file. That is not his contention. My point is that on the order of the previous Energy Minster, the Chairman of Coal India, the State Government officials and the CPWD officials met—there was a meeting of these people—and it was decided that the houses belong to these people and a compensation of twenty thousand rupees should be provided to them. Have you enquired from the Chairman of Coal India, have you enquired from the State Government officials and have you enquired from the CPWD as to whether such a meeting took place? Sir, I am asking only on humanitarian grounds and I am not on legal grounds. There is a Government and this is a nationalised coal mine and purely on humanitarian consideration I want to know whether there was any such meeting, whether there is any proof on record in Coal India or the State Government or the CPWD that such a meeting took place and a commitment was made on the orders of the ex-Energy Minister. Would you please consider this and would you please find out?

श्री सभापति : आप पता लगा लीजिए ।

श्री आरिफ मोहम्मद खान : मैं जरूर पता लगा लूंगा ।

श्री नरेश सी० पुगलिया : उस मीटिंग में मैं खुद था, चेयरमैन साहब। आप पता लगाने की कह रहे हैं, मंत्री महोदय अपने भ्रष्ट अधिकारियों को प्रोटेक्ट कर रहे हैं । .... **(व्यवधान)**...

SHRI A. G. KULKARNI: Sir, he himself was present at the meeting. ...*(Interruptions)* Sir, the Member

himself says that he was present at that meeting. How do you say, "*Pata karenge*"? (*Interruptions*) How do you say that?

SHRI ARIF MOHD. KHAN: I am not saying that. The honourable Chairman asked me to find out saying,—

पता लगा लीजिए। मैंने तो नहीं कहा पता लगा लूंगा।

I am not saying that. In fact, I was going to answer. I do not know what the cause of agitation is (*Interruptions*). You ask a question and then you do not let me even complete a sentence and you start giving explanation to your agitational gestures.

सर, मैंने नहीं कहा कि पता लगाऊंगा। आपने कहा-पता लीजिए। (**व्यवधान**)

SHRI A. G. KULKARNI: Sorry.

SHRI ARIF MOHD. KHAN: Sir, I was going to say that if the former Energy Minister had given any orders, if any commitment had been made in a meeting which was held, then there is no question of not honouring that commitment This is what I was going to say.

MR. CHAIRMAN: Very good.

SHRI A. G. KULKARNI: That is right.

SHRI ARIF MOHD. KHAN: Sir, from the records and the files of the Ministry, there is no indication that any such order was given.

MR. CHAIRMAN: You find out.

ARIF MOHD. KHAN: I will find out, Sir. Since the honourable Member has said that he was present, I will definitely make inquiries rather personal inquiries, and if any commitment had been made, that commitment will be honoured.

MR. CHAIRMAN: Very good.

SHRI A. G KULKARNI: Very good.

MR. CHAIRMAN: Yes, Mr. S. B. Chavan.

श्री अटल बिहारी वाजपेयी : सभापति जी, मैंने इसीलिए कहा था कि फाइल इधर-उधर हो गई होगी, आपने मुझे सवाल नहीं पूछने दिया।

श्रीमती मारग्रेट आल्वा : आपके पास तो नहीं है, वाजपेयी जी ? . . . (**व्यवधान**) . . .

SHRI S. B. CHAVAN: Sir, it is very good that the honourable Minister has agreed to look into the matter and if there had been any direct or indirect commitment of his. . .

SHRI ATAL BIHARI VAJPAYEE: What do you mean by indirect commitment?

SHRI S. B. CHAVAN: Indirect in the sense that directly files may be available in the Ministry, but any other material may be available with the State Government or the village panchayat or there may be some other source, and if there is any material available, he is prepared to honour that.

SHRI A. G. KULKARNI: That is right.

SHRI S. B. CHAVAN: Sir, I would like to ask one relevant question. There is no doubt about the number of years during which these people have been living there, forty or forty-five years, and these people have been living there all these years. Under what Act is the Government authorised to bulldoze all the houses without payment of compensation? If it is a matter of commitment, certainly you are going to honour it. But on other considerations, on humanitarian considerations also, I would like to understand and find out from the honourable Minister whether the same kind a treatment as given to the *jhuggi-jhonpris* in Delhi in Bombay also will be shown. We find ourselves totally helpless. We cannot remove even one hut even if it is unauthorised. How is it that the Government, without giving proper notice to these people to explain as to what action should be taken against them, restored to this?

The Government has got to say something about it. How is it that Coal India thought it fit to bulldoze all the houses, the mosque and the other religious places also, that they should all be demolished? What is the Government's explanation?

MR CHAIRMAN: It happened during your Chief Ministership?

श्री अटल बिहारी वाजपेयी : ये बताइए कब हुआ था....

श्री सभापति : मैं पूछ रहा हूं...

श्री नरेश सी० पुगलिया : उनके समय में नहीं हुआ था ।

SHRI S. B. CHAVAN: I am not aware.

SHRI ARIF MOHD. KHAN: As has been pointed out by the honourable Shri Chavan, if it has happened that all these hutments have been bulldozed, all those structures which existed,) there, if they have been destroyed, if they have been removed by using bulldozers, that too without giving any notice, it is very serious. In fact, since this happened in Maharashtra I thought that Shri Chavan would let us know how this thing happened there, because this has not happened now. This was something very serious, if this had happened...

श्री अरविन्द गणेश कुलकर्णी : ये तो स्मार्टनैस है ।

SHRI YASHWANT SINHA: Smartness is permisible.

SHRI ARIF MOHD. KHAN: This is what exactly I am saying. I would also like to add, from the reports and files of the Ministry about the meeting that Shri Puglia, Member of Parliament, Rajya Sabha, had with the Energy Minister, "the Minister of Energy had decided to re-examine the issue the explore the possibilities of helping the affected families to the extent it could be done under the existing laws and guidelines of the Central Government. No specific order about evaluation to be fixed by the CPWD was given by the then Energy Minister." I have another document with me which bears the signature of the representative of the local community there, of the mukhiya or the pradhan of this basti, wherein an agreement has been reached between the management of the colliery and the local representatives, according to which for those who are employees alternative arrangement has been made; for non-employees also alternative arrangement has been made. As part of the alternative arrangement it was agreed to pay them Rs. 2,000 in cash and Rs. 3,000 in the form of 20 bags of cement and 5,000 bricks.

SHRI N. K. P. SALVE: It is very unfortunate...

श्री सभापति : अरे, आप सवाल करो।

श्री एन० के० पी० साल्वे : महोदय, मैं उसी पर आ रहा हूं । एक ही बात कहना चाहता हूं आपकी इजाजत हो...

Those occupants of unauthorised constructions who can muster political courage cannot be ousted by anybody. Those who are not able to manage this kind of support...

श्री सभापति : आप वहां रहते हो फिर क्या दिक्कत है ?

श्री एन० के० पी० साल्वे : सर, यही तो बड़ा दुर्भाग्य है कि वहां पर रहते हुए मकानात, मंदिर, चर्च, सब बुलडोज कर दिए गए ।

श्री अटल बिहारी वाजपेयी : कोई भेदभाव नहीं किया गया है गिराने में ।

श्री एन० के० पी० साल्वे : काश, और दायरे में भी भेदभाव न किया जाता तो फिर बहुत अच्छा होता । सर, मेरा सवाल यह है मंत्री महोदय से

Sir, the law is much well established that adverse possession...

श्री सभापति : अरे अब सवाल करो। कानून तो वह भी जानते हैं।

SHRI N. K. P. SALVE: Sir, may I know from the Minister whether those people went to the High Court for redressal of their grievances—people who were pushed out and bulldozed? No. 1. And secondly, how could there be a legal opinion that in respect of property for which title was there no compensation was payable? Was ever mind was applied to this aspect of the matter?

SHRI ARIF MOHD. KHAN: Sir, if you permit me, I can read out the legal opinion which was given....

MR. CHAIRMAN: Did they go to the High Court?

SHRI ARIF MOHD. KHAN: Sir, I do not have any information whether they approached the High Court. But, Sir, I would like to add that the information which was made available to me is that an agreement was reached between the management and those who were evicted from the land. Sir, he is saying that if for a period of time they were living there then they cannot be removed from there. well, my point is that if while removing these people from the site any law has been violated, then it is a serious question. Sir, if any law has been violated, I would like to assure the House through you that though many laws have been violated in the past—I am aware of that. ...(*Interruptions*). We are aware of thaat, Sir ...(*Interruptions*)

Sir, let me complete. Sir, we have a commitment that all such violations which have been committed, violation of law, violation of the Constitution, we will set them right, Sir...(*Interruptions*)

SHRI N. K. P. SALVE: Sir, I seek your protection. I appreciate his ingenuity, his brilliance. But that question was never asked. Did I ever ask whether any law was violated?

सर, मैंने पूछा था कि क्या कोई कानून का वायलेशन हुआ है ? मैंने यह पूछा था कि आपको जो कानूनी सलाह लेनी है कि कंपनसेशन ड्यू नहीं है, क्योंकि यह इनका आक्यूपेशन नहीं था इसलिये कंपनसेशन ड्यू नहीं है। इस मामले में ऐडवर्स पजेशन के ऐस्पैक्ट पर आपने अपना माइंड ऐप्लाई किया।

श्री सभापति : साल्वे जी, अब आप बुजुर्ग आदमी हैं, जरा सुनिये मेरी बात को। ऐडवर्स पजेशन के भी बड़े कायदे-कानून हैं। कौन सी चीज एडवर्स पजेशन.... (व्यवधान)

SHRI N. K. P. SALVE: You have not understood my question, Sir. And he is answering a question I never asked... (*Interruptions*)

*83. [*The Questioner (Shri Krishna Kumar Birla) was absent. For answer* vide *cols.* 36-37 infra].

MR CHAIRMAN: Question No. 84.

SHRI SITARAM KESRI: Sir, this question is very important...(*Interruptions*)

MR. CHAIRMAN: I will see at that time. (*Interruptions*) Question No. 84 ...(*Interruptions*). Nothing other than 84 will go on record.

SHRI SITARAM KESRI:*

MR. CHAIRMAN: Will you please sit down? Will you please sit down? No question is unimportant. There is a method which is to be followed. You approach me in my Chamber. I will see...(*Interruptions*) What is the trouble? I don't understand. Question No. 84. (*Interruptions*)

* ...recorded.